

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

Charles J. Manley,

Pro Se Plaintiff,

v.

Joseph Maran, et al.

Defendants.

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Civil Action No. 02-2504 (DRD)

OPINION

Appearances by:

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DEBEVOISE, United States Senior District Judge

Charles J. Manley (“Manley”) brings before this Court a notice of motion for certification and permission to file an interlocutory appeal to the Court of Appeals to relieve him from an order directing him to produce his work product to opposing counsel before any defendants are deposed. For the reasons below, Manley’s motion is denied with prejudice.

Upon appeal by Manley of the March 16, 2005 decision of the district court, the Court of Appeals found that the record of the district court as to whether the district court had subject matter jurisdiction over the legal malpractice claims of *Pro Se* Plaintiff, Charles J. Manley (“Manley”). The Court of Appeals remanded the action back to the district court. The parties were invited to brief the Court, and, on March 26, 2007, oral argument was heard on whether Manley established residency in the state of Virginia, thereby satisfying the requirement of

complete diversity of the parties, prior to re-filing his action with this Court.

In its March 26, 2007 Opinion, the Court found that Manley was a resident of the state of Pennsylvania, and not a resident of the state of Virginia, at the time he re-filed his Complaint. Because he was a resident of the state of Pennsylvania, the parties lacked complete diversity, and thus, the Court lack jurisdiction, *ab initio*. The Court's Order of the same date dismissed with prejudice Manley's Complaint.

It appears, however, that Manley filed the instant motion prior to receiving the March 26, 2007 Opinion and Order of the Court. Because his Complaint was dismissed *ab initio*, his motion for certification and permission to file and interlocutory appeal is moot, and it will dismissed with prejudice.

/s/ Dickinson R. Debevoise
Dickinson R. Debevoise, U.S.S.D.J.

Dated: April 24, 2007